

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Physician Assistants hereby gives Notice of Intended Action to amend Chapter 327, “Practice of Physician Assistants,” Iowa Administrative Code.

This rule making proposes to restore the language previously removed by the Board of Physician Assistants from subrule 327.4(2) regarding the frequency of visits to remote medical sites required of physicians supervising physician assistants working at the remote medical sites. Originally, subrule 327.4(2) required a supervising physician providing supervision to a physician assistant working at a remote medical site to personally visit the remote medical site at least once every two weeks, unless there were unusual or emergency circumstances that justified a deviation from the requirement. In July of 2014, the Centers for Medicare and Medicaid Services (CMS) removed the federal requirement for supervising physicians to visit remote medical sites at least once every two weeks.

Following CMS’s removal of the federal regulation, the Board of Physician Assistants took action to remove the requirement from its administrative rules as well. Amendments to subrule 327.4(2) were proposed under Notice of Intended Action and published in the November 26, 2014, Iowa Administrative Bulletin as **ARC 1741C**. The amendments were Adopted and Filed and published in the March 18, 2015, Iowa Administrative Bulletin as **ARC 1909C** and would become effective April 22, 2015. At a meeting of the Administrative Rules Review Committee (ARRC) on April 20, 2015, the ARRC imposed a session delay on **ARC 1909C**. Subsequently, 2015 Iowa Acts, Senate File 505, division XXXI, section 113, required the Board of Medicine and the Board of Physician Assistants to jointly adopt rules pursuant to Iowa Code chapter 17A to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians. Subcommittees of the Board of Physician Assistants and the Board of Medicine met numerous times throughout the fall of 2015. On January 20, 2016, the Board of Physician Assistants voted to file Notice of Intended Action **ARC 2417C** (IAB 2/17/16), which is the joint rule mandated by the Legislature during the 2015 session. Finally, on February 5, 2016, the ARRC voted to impose an additional 70-day delay on the effective date of **ARC 1909C** and also authorized the Board of Physician Assistants to utilize emergency rule-making procedures to restore verbatim the text of subrule 327.4(2) that was in effect prior to the Board’s adoption of **ARC 1909C**.

Any interested person may make written comments on the proposed amendments no later than April 5, 2016, addressed to Susan Reynolds, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail susan.reynolds@idph.iowa.gov.

A public hearing will be held on April 6, 2016, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 2436C**. The content of that submission is incorporated by reference.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found. This rule making maintains status quo since **ARC 1909C** has been placed under session delay and has never gone into effect.

This amendment is intended to implement Iowa Code section 148C.3.